

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	
FREDERICK SIMONE,)	Cr. No. 03-10356-MLW
VINCENT GIOACCHINI and)	
FRANCIS WHITE,)	
)	
Defendants.)	

ORDER

WOLF, D.J.

September 8, 2004

The court has received the September 7, 2004 Government's Notice of Change and Withdrawal of Counsel. It does not meet the requirements of Local Rule 83.5.2(c), which is applicable in the circumstances of this case in view of the long scheduled October 4, 2004 conference. As a notice of successor counsel has not been filed, and the court has not been informed that Assistant U.S. Attorney Ernest DiNisco will alone represent the government in this case,¹ leave of court is required for Assistant U.S. Attorney Colin Owyang to withdraw as counsel. See Local Rule 83.5.2(c). Such leave will be granted if, on or before September 10, 2004, successor counsel files an appearance or the government represents that Mr. DiNisco will be solely responsible for this case.

¹Indeed, the Government's Notice reiterates that Mr. DiNisco will be on trial during the period in which the government would, under the Local Rules, ordinarily be required to respond to the defendants' motions that are due to be filed on September 22, 2004.

The court has also received defendant Frederick Simone's Motion for Franks Hearing and Motion to Compel Disclosure of Informant Status of Purported Targets (the "Motion"). It is not, as required by Local Rule 7.1(B)(1), supported by an affidavit. Nor has Simone filed the supporting memorandum of law that is required by Local Rule 7.1(B)(1) and referenced in the Motion. Accordingly, the Motion is hereby DENIED without prejudice to reconsideration if it is submitted in proper form on or before September 22, 2004.

/s/ MARK L. WOLF
UNITED STATES DISTRICT COURT